

Docket No.: 209773US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/880,065
Applicants: Makoto TANABE, et al.
Filing Date: June 14, 2001
For: ROTARY FRYER AND METHOD
FOR MANUFACTURING FRIED
ONION AND SOFRIT
Group Art Unit: 1761
Examiner: YEUNG, G.

SIR:

Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier

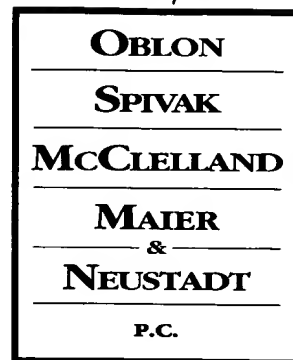
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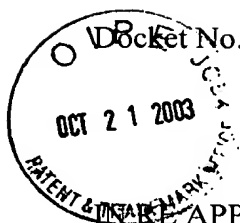
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Docket No.: 209773US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF

Makoto TANABE, et al.

SERIAL NO: 09/880,065

FILED: June 14, 2001

FOR: ROTARY FRYER AND
METHOD FOR
MANUFACTURING FRIED
ONION AND SOFRIT

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: EXAMINER: YEUNG, G.

:

: GROUP ART UNIT: 1761

:

RESPONSE TO RESTRICTION REQUIREMENT

HONORABLE COMMISSIONER FOR PATENTS
P.O. BOX 1450
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SIR:

In response to the Restriction Requirement dated September 25, 2003, the Applicants elect with traverse the invention of Group II and identifies Claims 4 and 5 as readable on the elected invention.

The Applicants respectfully traverse the restriction requirement based on MPEP § 803, which states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

The claims of the present invention would appear to be part of an overlapping search area.

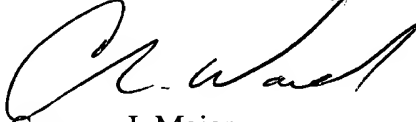
Application Serial No.: 09/880,065

Accordingly, the Applicants respectfully traverse the outstanding restriction requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Therefore, it is respectfully requested that the requirement to elect a single invention be withdrawn, and that a full examination on the merits of Claims 1-5 be conducted.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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